

AN ORDINANCE

**97114**

**AUTHORIZING A FOUR (4) MONTH EXTENSION OF THE INTERIM LICENSE AGREEMENT WITH GREY FOREST UTILITIES (GFU), FROM FEBRUARY 1, 2003 THROUGH MAY 31, 2003, TO ALLOW GFU TO USE THE CITY RIGHTS-OF-WAY TO OPERATE A GAS DISTRIBUTION SYSTEM WITHIN AN INTERIM LICENSED AREA AND PROVIDING THAT CONSIDERATION OF 3% OF GROSS REVENUES THAT ARE DERIVED FROM GFU'S SYSTEM WITHIN THE INTERIM AREA WILL BE PAID TO THE CITY OF SAN ANTONIO.**

\* \* \* \* \*

**WHEREAS**, pursuant to City Ordinance No. 95761, dated May 16, 2002, an Interim License Agreement (the "Interim License") between the City and Grey Forest Utilities was authorized; and

**WHEREAS**, the original term for that Interim License was from January 1, 2002 to September 30, 2002, however, it was first amended by Ordinance No. 96466 on September 26, 2002 in order to extend the term four (4) months to January 31, 2003; and

**WHEREAS**, this second amendment will extend to the term another four (4) months through May 31, 2003; and

**WHEREAS**, all other all terms and provisions of the Interim License shall remain in full force and effect; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** A second four (4) month extension to the Interim License Agreement with the Grey Forest Utilities System (GFU), which was originally authorized by City Ordinance No. 95761, dated May 16, 2002, and first amended by Ordinance No. 96466, dated September 26, 2002, is hereby approved. No other terms of the Interim License Agreement will be affected by this action and GFU may continue to use the City's right-of-way to operate its gas distribution system within an Interim Licensed Area through May 31, 2003, in consideration of 3% of gross revenues that are derived from the gas system within the Interim Licensed Area to be paid to the City. The Second Amendment to the Interim License Agreement, in substantially final form, is attached hereto and incorporated herein as Attachment I. Upon final execution, the final Second Amendment to the Interim License Agreement will be attached hereto and incorporated herein as Attachment II.

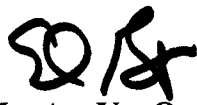
**SECTION 2.** The City Manager, or her designee, shall be authorized to execute said Second Amendment to the Interim License Agreement within forty-five (45) days after the effective date of this Ordinance in substantially the same form as Attachment I.

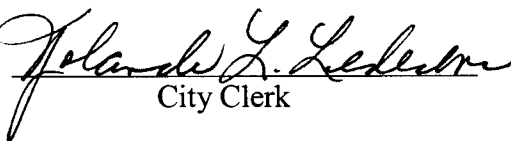
**SECTION 3.** Revenues received shall be deposited in Fund 11-000, entitled "General Fund," in Index Code 071985, entitled "Grey Forest Utilities."

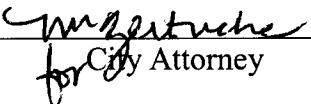
**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager, or her designee, modify allocations to specific Index Codes and the Fund Numbers, as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This Ordinance shall take effect on the tenth (10<sup>th</sup>) day after the date of passage hereof.

PASSED AND APPROVED this 30th day of January, 2003.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney